

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ERIC DEMOND LOZANO,
TDCJ #1915276
Plaintiff,

v.

BRYAN COLLIER, ET AL.,
Defendants.

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CIVIL ACTION No. 3:18-CV-00237

DEFENDANTS MOTION FOR SUMMARY JUDGMENT

Exhibit B

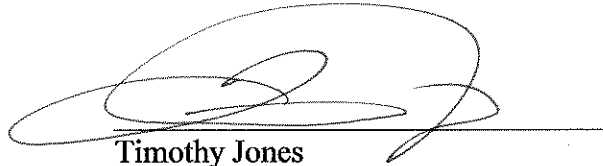
SELF-AUTHENTICATING BUSINESS RECORDS AFFIDAVIT:

AFFIDAVIT OF TIMOTHY JONES

“My name is Timothy Jones and I am an employee of the TDCJ, a governmental agency. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the following is true and correct. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts stated herein.

“I am the custodian of records for the Rehabilitation Programs Division/Chaplaincy Department of the Texas Department of Criminal Justice (“TDCJ”). **This request is for current Chaplaincy Manual policies 12.01 and 14.02.** These are records which are kept by the TDCJ in the regular course of its business activity. The entries of such records were made as a regularly conducted activity and a regular practice of the TDCJ, and were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.”

Executed in Walker County, State of Texas, on the 1st day of April, 2019.

A handwritten signature in black ink, appearing to be 'Timothy Jones', written over a horizontal line.

Timothy Jones
Manager IV -
Deputy Director Religious Services
Rehabilitation Programs Division
Texas Department of Criminal Justice

TEXAS DEPARTMENT OF CRIMINAL JUSTICE	Policy Number:	12.01 (rev. 6)
Chaplaincy Department	Page:	1 of 2
CHAPLAINCY MANUAL	Date:	July 2016
	Supersedes:	12.01 (rev. 5) July 2015

SUBJECT: **OFFENDER VOLUNTEER SERVICE**

AUTHORITY: AD-07.30, "Procedures for Religious Programming;" AD-07.35, "Administration of Volunteer Services;" TDCJ *Volunteer Services Plan*; AD-03.02, "Impermissible Offender Conduct;" AD-03.40, "Out-of-Cell Time for General Population Offenders"

POLICY:

General population offenders may volunteer their service in various chaplaincy programs during their out-of-cell, non-programmatic time on weekends, holidays, or non-workdays in accordance with AD-03.40, "Out-of-Cell Time for General Population Offenders". Prison offenders who volunteer their service require staff management and supervision in accordance with specific custody designations. Above all, chaplains are reminded that no offender shall have any supervisory, administrative, or disciplinary authority over other offenders; receive special privileges; or obtain or have access to sensitive information about staff, the general public, other offenders, or the business operations that would jeopardize security. There shall be no privileges as to job assignments, housing, or other conditions of incarceration, and no preferential treatment for volunteer offenders.

TDCJ chaplains shall utilize offenders who volunteer to serve in religious program activities as time, space, availability of supervisory staff, and security concerns permit. Offender volunteer activities shall be in keeping with agency goals, chaplaincy's mission, and sound penological practices for security and orderly operations.

DISCUSSION:

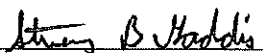
- I. Many religions promote the concept of giving freely of one's time, talents, and service in furtherance of one's faith and church community. Volunteer service by offenders in religious program activities offers offenders the opportunity to further their faith, to mature, to be responsible, and to demonstrate their development of socially appropriate and healthy leadership skills, reinforcing the rehabilitative goals of the agency.
- II. Volunteer service by offenders should be helpful to the chaplain, meaningful for the offenders, and useful in promoting the overall spiritual well-being of the unit, and not of benefit to just a specific individual or class of persons.
- III. Care should be taken in the selection and oversight of offender volunteers.

PROCEDURES:

- I. Any offender may be removed from a volunteer activity for inappropriate behavior such as horseplay or disrespect to staff or public, disciplinary violations, or at the unit chaplain's discretion at any time and for any reason. Offenders may discontinue chaplaincy volunteer service at any time by notifying the unit chaplain. Chaplains shall maintain any necessary documentation.

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- II. Offenders who wish to assist with chaplaincy programming activities at a unit should address an I-60 request form to the unit chaplain.
- III. When selecting offenders for volunteer activities, chaplains shall consider such factors as consistent participation in chaplaincy programs; overall behavior and attitude; disciplinary record; medical and educational status; and criminal record. Selections shall be fair and non-discriminatory.
- IV. The chaplain shall provide appropriate instruction to offenders before any volunteer activity, clearly stating the offender's duties, in order to ensure a productive relationship. The chaplain shall maintain a file of Offender Volunteer Service Agreement forms for all offender volunteers (Attachments A).
- V. The chaplain or other appropriate correctional staff shall provide appropriate supervision of offender volunteers.
- VI. Offender sermons or messages shall be written out and submitted 7 days prior to the presentation for review by the unit chaplain. Offenders shall utilize 12.01 Attachment B "Offender Led Program – Message Presenter Form." Sermons or messages shall not disparage the religious beliefs of any offender or compel any offender to make a change of religious preference. Sermons or messages shall not be used to criticize TDCJ policies and procedures, administration, staff, or offenders. Sermons or messages shall not be used to make political or inflammatory statements that might potentially offend or incite the listeners. Chaplains shall retain written presentations for a period of 6 months.


 Steven B. Gaddis
 RPD Manager IV – Support Services

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
Chaplaincy Department
CHAPLAINCY MANUAL

Policy Number: 12.01 (rev. 5) Att. A
Page: 1 of 1
Date: July 2016
Supersedes: 12.01 (rev. 4) November 2013

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
Offender Volunteer Assignment Description Form

General Responsibilities and Duties:

I understand that my service to be an offender chapel volunteer has a high level of commitment to chapel activities. Offenders appointed have demonstrated the capability to perform the assigned task. Appointees shall report to the unit chaplain or assigned staff as scheduled. Appointees are responsible for: attendance, participation in religious programs, overall behavior, attitude, and disciplinary records. They are expected to conduct themselves on the unit in a manner that demonstrates religious principles, spiritual leadership, and a lifestyle beyond reproach. There shall be no privileges as to job assignments, housing, or preferential treatment linked to this service.

Specific Responsibilities and Duties:

- ☐ As a **Worship Leader**, I will assist by leading worship and the singing of hymns, religious songs, etc. assigned by the chaplain for the appropriate time in worship services. Assignments shall be appropriate to the service and selected or approved by the chaplain. An approved and authorized free world volunteer may organize and provide directions for for the assigned activity.
- ☐ As a **Scripture Reader**, I will assist by reading the assigned religious scripture/text by the chaplain for the appropriate time in worship services. Assignments shall be appropriate to the religious service. An approved and authorized free world volunteer may organize and provide directions for the assigned activity.
- ☐ As a **Prayer Leader**, I will assist by Leading pastoral prayer and congregational prayer in regularly scheduled worship services as assigned by the unit chaplain. Prayers shall be appropriate to the service or meeting and selected or approved by the appropriate chaplain. An approved and authorized free world volunteer may organize and provide directions for the assigned activity.
- ☐ As a **Choir Conductor**, I will assist by leading the choir under the direction of the unit chaplain or an approved and authorized free world volunteer choir or music director. All music and songs practiced and performed by the choir shall be selected or approved by the chaplain.
- ☐ As a **Choir member**, I will assist by performing under the direction of the unit chaplain or an approved and authorized free world volunteer choir or music director. Choir members shall rehearse and perform music approved and assigned to the choir conductor by the chaplain. Rehearsals shall be scheduled at the discretion of the chaplain.
- ☐ As a **Musician**, I will assist by performing in religious services or unit programs under the direction of the unit chaplain or an approved and authorized free world volunteer choir or music director. Musicians shall practice music approved by the chaplain. Attend rehearsals scheduled at the direction of the chaplain and in preparation for upcoming ministry functions.
- ☐ As a **Chapel Crew Member**, I will assist by sorting greeting cards, religious literature, assisting in chapel library, and set-up for a diversity of religious programs/services. An authorized free world volunteer may organize and provide directions for the assigned activity.
- ☐ As a **Sacrament Server**, I will assist by preparing, serving, and clean-up of the sacramental elements appropriate to the religious group.
- ☐ As a **Sermon/Message Presenter**, I will assist by delivering a religious lesson in an appropriate religious program that shall be written out on the provided "Offender Led Program – Message Presenter Form" and submitted 7 days prior for review by the unit chaplain or appropriate religious authority. Sermons or messages shall not disparage the religious beliefs of any offender or compel any offender to make a change of religious preference. Sermons or messages shall not be used to criticize TDCJ policies and procedures, administration, staff, or offenders. Sermons or messages shall not be used to make political, inflammatory, or any other statements that may offend or incite the listeners. I will utilize (See 12.01 Attachment B Offender Led Program – Message Presenter Form)

☐ As a _____, I will assist by _____

Anticipated Schedule/Hours: _____ Days: ☐ Mon ☐ Tue ☐ Wed ☐ Thurs ☐ Fri ☐ Sat ☐ Sun

Agreement: I understand my duties, responsibilities, which I am under the direct supervision of the unit chaplain or assigned staff, and agree to volunteer for this service. The chaplain or offender volunteer may void this agreement upon notification for just cause.

Volunteer:	Printed Name	Signature	Date:
Chaplain:	Printed Name	Signature	Date:

Lozano - 000024

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Offender-Led Program/Service Lesson Plan		This form must be completed and returned to the chaplain for review <u>7 days prior</u> to the meeting date. Forms shall be submitted for every offender-led service or the service shall be suspended or canceled.
Name and TDCJ # of Offender Presenter:		
Name of Program/Service:		
Date of Program/Service:		Date lesson plan submitted:
If applicable, list any materials to be utilized such as book/video/cassette/DVD/CD:		
1.		
2.		
3.		
4.		
5.		
Brief description of your lesson/speaking topic:		
The lesson/speaking topic discusses the following point(s):		
Questions for discussion (if any):		
1.		
2.		
3.		
4.		

Reviewing Chaplain: _____ Date: _____

☐ APPROVED
 ☐ DENIED

Lozano - 000025

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	Supersedes:	12.01 (rev. 5) Att. B July 2015

Offender-Led Program/Service		This form must be completed and returned to the Chaplain for review <u>7 days prior</u> to the meeting date. Forms shall be submitted for every offender-led meeting or the meeting may be suspended or canceled.
Lesson Plan		
Name and TDCJ # of Offender Presenter:		
Message: (Use if additional space is needed)		

Reviewing Chaplain: _____ Date: _____

☐ **APPROVED**
☐ **DENIED**

Lozano - 000026

TEXAS DEPARTMENT OF CRIMINAL JUSTICE	Policy Number:	14.02 (rev. 6)
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CHAPLAINCY MANUAL	Date:	July 2016
	Supersedes:	14.02 (rev. 5) November 2013

SUBJECT: VOLUNTEER ASSIGNMENTS

REFERENCE: AD-07.30, "Procedures for Religious Programming;" AD-07.35, "Administration of Volunteer Services;" AD 07.38, "Administration of Mentor Services;" *Volunteer Services Plan*

POLICY:

The chaplain shall provide each approved, regular chaplaincy/parole volunteer with a Volunteer Assignment Description Form (Attachments A) listing responsibilities and schedule.

DISCUSSION:

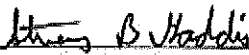
- I. Since the inception of the administration of volunteer services in the TDCJ, AD-07.35, the Chaplaincy Department has been utilizing large numbers of volunteers.
- II. Per AD-07.35, approved volunteers shall be provided with a Volunteer Assignment Description Form (Attachments A).
- III. The Chaplaincy Volunteer Assignment Description Form (Attachments A) include a variety of typical, religious volunteer position assignments that have been approved for use throughout the system. The various positions meet the requirements of AD-07.35 and provide ample opportunities for the volunteer that would be helpful.

PROCEDURES:

- I. Approved volunteers providing weekly chaplaincy programming shall be provided a Volunteer Assignment Description Form describing responsibilities and duties.
- II. Upon completion of the interview, screening and training the chaplain shall complete an assignment description form with the volunteer.
- III. Upon completion of the assignment description form, the chaplain and volunteer will agree on an anticipated schedule. A copy shall be provided to the volunteer and the original shall be filed in the unit chaplaincy volunteer files. Volunteer files shall be secured and inaccessible to offenders/parolees.
- IV. Approved volunteers who desire to mentor offenders/parolees shall apply separately for this activity utilizing the form attached to AD-07.38. Employee volunteers may not apply to become mentors. Once an applicant is approved, a Chaplaincy Volunteer Assignment Description Form can be completed or revised as needed by unit chaplains in order to meet the AD-07.38 requirement that "Mentors shall receive an outline of services to be performed under the auspices of the department's facility volunteer activity liaison, such as the chaplain, parole supervisor and warden..."

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- V. The following positions are listed on the Volunteer Assignment Description Form which are part of this policy:
- A. Family Life Specialist
 - B. Mentor Program
 - C. Study Group Leader
 - D. Worship Leader
 - E. Office Assistant
- VI. Other additional volunteer assignment descriptions may be written by the unit chaplain, to provide for assignments not covered in this policy, such as Hospitality Ministry Host or Music Teacher.



Steven B. Gaddis
RPD Manager IV – Support Services

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TEXAS DEPARTMENT OF CRIMINAL JUSTICE
Volunteer Assignment Description Form

Unit/Office:		Volunteer Name:	
Assigned Staff:		Volunteer Purpose Code:	CH

General Responsibilities and Duties:

All services will be ecumenical in nature and will not in any way denigrate other religious faiths or coerce a change of faith in offenders or their family members. All material to be distributed to offenders or their families shall be pre-approved by the unit chaplain, and any copyrighted resources such as audio recordings shall have a written copyright release for use. I understand that I am accountable to the assigned staff, unit chaplain, the unit volunteer authority, the warden or designee, and unit security.

Specific Responsibilities and Duties:

- ☐ As a **Family Life Specialist**, I will provide emotional and spiritual support and encouragement to offenders and their families through their work in the visiting room, family visitor center, marriage seminar or special family day emphasis. This work is one of hospitality and affirmation as the volunteer interacts with offender family members to assist in meeting their needs and to make them comfortable and at ease.
- ☐ As a **Worship Leader**, I am responsible for providing and leading or coordinating large group experiences of worship or seminars. This ministry may be provided through preaching, music, drama, or teaching in order to enhance the spiritual and devotional life of offenders.
- ☐ As an **Office Assistant**, I will provide basic office and clerical support with access to use office equipment for administrative support and day-to-day office management tasks. With authorized "USERID", this volunteer may access the mainframe to record volunteer visits and track offender program activity on chaplaincy ITP screens.
- ☐ As a **Study Group Leader**, I am responsible for leading classroom type experiences of learning on a regular basis. This may be provided through a vast diversity of religious studies on any of our religious groups.
- ☐ As a **Mentor**, The mentor volunteer works in a one-on-one basis with same-sex offenders to provide spiritual and emotional support on a long-term basis; a husband and wife team may be approved. The offender and mentor are matched by the unit chaplain and proceed through a four-phase relationship that may lead to parole or release from incarceration:

Phase I - Mentor - Offender (Meeting at least once a month for a term of 12 months.)

Phase II - Mentor - Offender - Family

Phase III - Mentor - Offender - Family - Church/Support Group

Phase IV - Parole - Reintegration Into Society

In order for mentors to receive additional training and direction from the unit chaplain regarding their activities, mentors shall be scheduled at least monthly to attend a debriefing with the chaplain or other appropriate program staff. This meeting includes a discussion of activities and the number of contacts made with the offender. This discussion should allow the mentor and chaplain an opportunity for the awareness and resolution of any mentoring issues. The chaplain shall authorize any progression to the next mentoring phase.

☐ As a _____, I will _____

Anticipated Schedule

Notes: _____

Hours:		Days of Week:	<input type="checkbox"/> Sun	<input type="checkbox"/> Mon	<input type="checkbox"/> Tues	<input type="checkbox"/> Wed	<input type="checkbox"/> Thur	<input type="checkbox"/> Fri	<input type="checkbox"/> Sat
Location of Volunteer Service:				Length of Commitment:					
Volunteer:	Printed Name		Signature		Date:				
Chaplain:	Printed Name		Signature		Date:				

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